

INNKEEPER'S RIGHTS ACT

MODIFICATIONS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen E. Sandstrom

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Innkeeper's Rights Act to address the conditions under which an innkeeper may refuse or deny accommodations, facilities, or privileges.

Highlighted Provisions:

This bill:

- ▶ modifies the provision under which an innkeeper may refuse or deny accommodations, facilities, or privileges related to a person bringing in firearms or explosives; and

- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

29-2-103, as enacted by Laws of Utah 1995, Chapter 231

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **29-2-103** is amended to read:



28 **29-2-103. Innkeeper's rights -- Liability -- Prohibition on discrimination.**
29 (1) An innkeeper may:
30 (a) refuse or deny accommodations, facilities, or privileges of a lodging establishment
31 to ~~[any]~~ a person who is:
32 (i) unwilling or unable to pay for the accommodations and services of the lodging
33 establishment;
34 (ii) visibly intoxicated;
35 (iii) creating a public nuisance;
36 (iv) in the reasonable belief of the innkeeper, seeking accommodations for ~~[any]~~ an
37 unlawful purpose, including:
38 (A) the unlawful possession or use of a controlled ~~[substances]~~ substance in violation
39 of federal or state law; or
40 (B) use of the premises for the consumption of ~~[alcoholic beverages by any]~~ an
41 alcoholic beverage by a person under 21 years of age in violation of federal or state law; or
42 (v) in the reasonable belief of the innkeeper, bringing ~~[in]~~ on to the accommodations
43 property that may be dangerous to other persons[;];
44 (A) including ~~[firearms or explosives;]~~ an explosive; and
45 (B) except that an innkeeper may refuse or deny accommodations, facilities, or
46 privileges to a person for bringing a firearm on to the accommodations, only for the unlawful
47 possession or unlawful use of the firearm;
48 (b) require a prospective guest ~~[prior to]~~ before check-in to demonstrate the guest's
49 ability to pay ~~[either]~~:
50 (i) in cash[;];
51 (ii) by credit card[;]; or
52 (iii) with a validated check;
53 (c) require a parent or legal guardian of a minor to:
54 (i) promise in writing to pay ~~[all]~~:
55 (A) the guest room costs, taxes, and charges incurred by the minor at a lodging
56 establishment; and ~~[any damages]~~
57 (B) for damage to the lodging establishment and its furnishings caused by the minor
58 while a guest at the lodging establishment;

59 (ii) provide an innkeeper with a valid credit card number to cover potential charges and
60 [any] potential [~~damages~~] damage to the lodging establishment and its furnishings caused by
61 the minor; or

62 (iii) if a valid credit card is not an option, provide an innkeeper with:

63 (A) an advance cash payment to cover the guest room costs and taxes for the
64 anticipated stay of the minor; and

65 (B) a deposit, not to exceed \$500, towards the payment of [any] the charges by the
66 minor or [~~any damages~~] for damage to the lodging establishment or its furnishings[, ~~which~~
67 ~~deposit shall be~~] if the deposit is refunded to the extent not used to cover [~~any damages~~]
68 damage as determined by the innkeeper following room inspection at check-out;

69 (d) require a guest to produce a valid driver's license, or other identification satisfactory
70 to the innkeeper, containing a photograph and the name and address of the guest;

71 (e) if the guest is a minor, require a parent or guardian of the guest to register and
72 produce the same identification required in Subsection (1)(d);

73 (f) limit the number of persons who may occupy a guest room in the lodging
74 establishment;

75 (g) eject a person from a lodging establishment for any of the following reasons:

76 (i) nonpayment of the lodging establishment's charges for accommodations or services;

77 (ii) visible intoxication of the guest;

78 (iii) disorderly conduct of the guest resulting in a public nuisance; or

79 (iv) in the reasonable belief of the innkeeper [~~reasonably believes that~~], the person has
80 violated:

81 (A) this chapter or [any] a federal, state, or local law or regulation relating to the
82 lodging establishment; or

83 (B) [any] a rule of the lodging establishment posted in a conspicuous place and manner
84 in the lodging establishment.

85 (2) An innkeeper may not refuse or deny use of or eject a person from a lodging
86 establishment's facilities or privileges based upon the person's race, creed, color, national
87 origin, gender, disability, or marital status.

Legislative Review Note
as of 2-9-10 12:30 PM

Office of Legislative Research and General Counsel

H.B. 342 - Innkeeper's Rights Act Modifications

Fiscal Note

2010 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
